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AGENDA

Committee	PUBLIC PROTECTION COMMITTEE
Date and Time of Meeting	TUESDAY, 4 JULY 2017, 10.30 AM
Venue	COMMITTEE ROOM 1 - COUNTY HALL
Membership	Councillor Jackie Parry (Chair) Councillors Murphy, Bridgeman, Goddard, Hudson, Jacobsen, Lancaster, Mackie, Taylor, Wood and Williams

1 Chairperson

To note that the Council on 25 May 2017 appointed County Councillor Parry as Chairperson of this Committee.

2 Appointment of Committee

To note that the Council on 25 May 2017 appointed the following Members to this Committee:

Councillors Bridgeman, Driscoll, Goddard, Hudson, Jacobsen, Lancaster, Mackie, Murphy (Deputy Chair), Jacqui Parry, Simmons, Taylor and Wood

3 Terms of Reference

- (a) Those functions listed in Sections B and C, and paragraph 10 of Section I, of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities)(Wales) Regulations 2007 (the Regulations), any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations, except to the extent that such matters fall to the Licensing Committee by virtue of Section 7 of the Licensing Act 2003 or the Gambling Act 2005.
- (b) In relation to those functions acting as Appeal Committee where appropriate.
- (c) The discharge of any function relating to the control of pollution or the management of air quality.
- (d) The passing of a resolution that Schedule 2 to the Noise and Statutory

Nuisance Act 1993 should apply in the Authority's area.

- (e) Any function relating to contaminated land.
- (f) The service of an abatement notice in respect of a statutory nuisance.
- (g) Any function under a local Act of a licensing or regulatory nature.
- (h) Any function in relation to the making of an Alcohol Consumption in Designated Public Places Order under the provisions of the Criminal Justice and Police Act 2001.

4 Apologies for Absence

To receive apologies for absence.

5 Declarations of Interest

To be made at the commencement of the agenda item in question, in accordance with the Members' Code of Conduct.

6 Minutes (*Pages 1 - 6*)

To approve as a correct record the minutes of the meetings held on 4 April, 23 April and 13 June 2017.

7 Prestige Vehicle Application (*Pages 7 - 8*)

8 Review of General Licence Fees (*Pages 9 - 12*)

Davina Fiore

Director Governance & Legal Services

Date: Wednesday, 28 June 2017

Contact: Graham Porter, 029 2087 3401, g.porter@cardiff.gov.uk

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PUBLIC PROTECTION COMMITTEE

4 APRIL 2017

Present: County Councillor Parry(Chairperson)
County Councillors Murphy, Boyle, Goddard, Hudson, Kelloway
and Simmons

40 Apologies for Absence

Apologies were received from Councillor Lloyd.

41 Declarations of Interest

No declarations of interest were received.

42 Minutes

The minutes of the meetings held on 7 March 2017 were approved as a correct record and were signed by the Chairperson.

43 Control of Street Trading - Consent Streets

The Committee at its meeting on 7 February 2017 authorised the publication of a notice of its intention to change street designations of a number of streets from 'prohibited' to 'consent' streets for the purposes of street trading. Members were advised that, in accordance with the statutory procedure a Public Notice was published in the South Wales Echo on 10 February 2017. No representations were received.

RESOLVED – That:

- (1) With effect from 3 May 2017 all previous resolutions designating all parts of Churchill Way, Lloyd George Avenue (excluding the section between Hemming Way Road and Roald Dahl Plas which already has consent status), Station Terrace (City Centre), Windsor Place (City Centre), Herbert Street, Tyndall Street, Bute Street, Kingsway, as prohibited streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982 are rescinded.
- (2) With effect from 3 May 2017 Churchill Way, Lloyd George Avenue (excluding the section between Hemming Way Road and Roald Dahl Plas which already has consent status), Station Terrace (City Centre), Windsor Place (City Centre), Herbert Street, Tyndall Street, Bute Street, Kingsway, Callaghan Square, Bute Terrace and Bute Crescent, be designated Consent Streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982.

The meeting terminated at 10.40 am

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PUBLIC PROTECTION SUB COMMITTEE

4 APRIL 2017

Present: County Councillor Parry(Chairperson)
County Councillors Boyle and Kelloway

12 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

- (1) Application 1
Licence suspended for 21 days for conviction for battery and failure to declare conviction on renewal application.
- (2) Application 2
Application for a Hackney Carriage/Private Hire Drivers licence refused as the Committee did not consider the application to be a fit and proper person to hold a licence.
- (3) Application 3
Deferred
- (4) Application 4
No further action.
- (5) Application 5
Licence suspended for 7 days plus requirement to complete BTEC qualification within 6 months, for abuse of a member of the public.

The meeting terminated at Time Not Specified

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PUBLIC PROTECTION SUB COMMITTEE

25 APRIL 2017

Present: County Councillor Parry(Chairperson)
County Councillors Hudson and Kelloway

13 : HACKNEY CARRIAGE/PRIVATE HIRE MATTERS

RESOLVED – That the following matters be dealt with as indicated:

- (1) Application 1
Deferred
- (2) Application 2
Hackney Carriage/Private Hire Drivers Licence revoked for not providing a valid DRB Certificate.
- (3) Application 3
Driver to receive a written warning for unacceptable conduct.
- (4) Application 4
Driver to receive a written warning for abuse.
- (5) Application 5
Adjourned sine die
- (6) Application 6
Hackney Carriage/Private Hire Drivers Licence revoked for not providing a valid DRB Certificate.
- (7) Application 7
Licence suspended for 5 days for refusal of fare
- (8) Application 8

Under the Members Code of Conduct Councillor Kelloway declared a personal interest in this item as the applicant was known to him. Councillor Kelloway withdrew from the meeting and took no part in the decision.

Driver to receive a written warning for refusal of fare
- (9) Application 9
No further action

(10) Application 10
Adjourned sine die

The meeting terminated at Time Not Specified

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CARDIFF COUNCIL
CYNGOR CAERDYDD

PUBLIC PROTECTION COMMITTEE: 4th July 2017 10.15am

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS

The Committee is requested to determine the following application:-

1. Carl Hansen – Peugeot 508 SR Saloon Registration YK13 HKO

Application to have the Peugeot 508 SR saloon approved as a prestige vehicle with a ten year age restriction.

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PUBLIC PROTECTION COMMITTEE: 4 July 2017**Report of the Head of Shared Regulatory Services****REVIEW OF GENERAL LICENCE FEES****1. Background**

1.1 At its meeting on 7th June 2016 the Committee authorised the introduction of the current fees for the general licensing functions detailed in the table below, which were implemented on 1st July 2016.

1.2 The purpose of this report is to approve new fees for these licensing functions.

2. Details.

2.1 Table 1 below shows the existing fees compared with the proposed new fees.

Table 1:

	Existing Fee	Proposed Application Fee	Proposed Grant Fee
Sex Establishment Licences:			
Sex Shop:			
Grant	£835	£442	£175
Renewal	£613	£171	£148
Transfer	£436	£140	£22
Sexual Entertainment Venue:			
Grant	£928	£422	£317
Renewal	£706	£165	£224
Transfer	£436	£105	£67
Skin Piercing:			
Premises	£97	£21	£78
Person	£43	£21	£28

Street Trading:			
Licence	£594	£60	£537
Merchandise Consent	£166	£33	£133
Food Consent	£211	£82	£132
Mobile Consent	£83	£38	£51
Programme seller	£32	£12	£20
St Mary Street Market 3 months	£60	£17	£43
St Mary Street Market 1 month	£46	£17	£29

2.2 The fees have been calculated using a toolkit developed by the Wales Licensing Expert Panel. The toolkit is being used by all Welsh local authorities.

3. **Hemming v Westminster City Council – European Court of Justice**

3.1 At its meeting of 7th February 2017 the Public Protection Committee were informed of the European Court of Justice (ECJ) Ruling in the Hemming V Westminster case. The ruling had implications for the way in which local authorities structure their fees. The judgement recommends that fees should be structured as 2 charges; one to cover the authorisation cost (the costs involved in receiving and considering the application) and an additional charge only paid by successful applicants to cover the running and enforcement of the licensing regime.

3.2 With the ECJ ruling in mind the proposed fees in Table 1 above are split into 2 separate charges; an ‘application fee’ to cover the authorisation costs, and a ‘grant fee’ to cover the licensing regime running and enforcement costs.

3. **Legal Implications**

3.1 Regulation 18(4) of the Provision of Services Regulations 2009 provides that charges under an authorisation scheme must be reasonable and proportionate to, and not exceed, the cost of the procedures and formalities under the scheme. The fee charged cannot exceed the cost of the procedures, i.e. the steps which an applicant for a licence has to take if he wishes his application to be granted or his licence to be renewed. A fee can include the administrative costs involved, and the costs of vetting the applicants (in the case of applications) and the cost of investigating compliance with licence terms (in the case of renewals).

3.2 It should be noted that certain licensing activities are specifically excluded from the 2009 Regulations; these are taxi licensing, cinema licensing and gambling licensing.

4. Financial Implications.

4.1 The Licensing Service is required to be self financing within the limitations of statute.

4.2 It is essential that the new fees are set at a level which fully funds the costs of the service insofar as permissible by statute.

5. Recommendation

5.1. That the proposed fees and charges outlined in the report are approved with an implementation date of 1st August 2017

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

12 June 2017

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: Public Protection Committee: Report of the Head of Shared Regulatory Services, 7th February 2017; ‘Licence Fees: European Court of Justice Ruling – Hemming v Westminster’

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